



California Regional Water Resources Control Board

Central Coast Region



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Arnold Schwarzenegger
Governor

MINUTES REGULAR MEETING Friday, October 19, 2007 Central Coast Regional Water Board

Chairman Young called the meeting of the Central Coast Water Board to order at 8:35 a.m. on Friday, October 19, 2007, at the Santa Barbara County Supervisors Board Room, 105 East Anapamu Street, Santa Barbara, California.

1. Roll Call Executive Assistant Carol Hewitt

Board Members Present:

- Chairman Jeffrey Young
- Vice Chair, Russell Jeffries
- Les Bowker
- John Hayashi
- David Hodgkin
- Monica Hunter
- Daniel Press
- Gary Shallcross

2. Introductions Executive Officer Roger Briggs

Executive Officer Briggs introduced staff Staff Counsels Frances McChesney and Lori Okun and announced that Ms. McChesney will be advising the Board in place of Ms. Okun. Lori Okun accepted a position at Region 5. Mr. Briggs asked interested parties to complete testimony cards and turn them in. Supplemental sheets are available for Item Nos. 11, Q&A document, 14, and 16. Mr. Briggs thanked Cameron Benson with the City of Santa Barbara and his staff for an informative tour of the Arroyo Burro Creek on Thursday afternoon. He announced that the Board will break at 11:00 a.m. for a closed session meeting.

3. Resolution for Les Bowker Resolution No. R3-2007-0085

Executive Officer Briggs announced that Dr. Bowker has been on the Board for the last eight years and thanked him for his dedication and ecological expertise. Chairman Young thanked Dr. Bowker and said he has been a pleasure to work with and is a true gentleman. Chairman Young presented Dr. Bowker with a plaque of appreciation. Dr. Bowker presented Mr. Briggs with a book entitled, "Fifty Places to Sail before You Die."

Note: Motion for Item No. 3 is included with motion for Item No. 4 below.



4. Resolution for Lori Okun.....Resolution No. R3-2007-0086

Executive Officer Briggs read a resolution of appreciation for outgoing staff counsel Lori Okun and presented her with a card and a gift certificate. The Board expressed their appreciation for all her sound advice and exceptional work with Region 3.

MOTION: Daniel Press moved to adopt Resolution Nos. R3-2007-0085 and R3-2007-0086.

SECOND: David Hodgkin

CARRIED: Unanimously (8-0)

5. Approval of August 23, 2007 and September 7, 2007 Meeting Minutes..... Board Motion

MOTION: Russell Jeffries moved to approve the August and September meeting minutes.

SECOND: Les Bowker

CARRIED: Unanimously (8-0)

6. Uncontested Items Calendar Board Motion

MOTION: Russell Jeffries moved to approve Item 13/Solvang WWTP for the consent calendar.

SECOND: Daniel Press

CARRIED: Unanimously (8-0)

7. Report by State Water Resources Control Board Liaison.....Status Report

State Board member Gary Wolff discussed storm water reuse (treating poor quality storm water and reusing it for water supply) and the economic benefits realized from three facilities. Mr. Wolff also discussed sustaining watersheds. Dr. Press asked for copies of the specific economic models that Mr. Wolfe discussed.

8. Low Threat and General Discharge Cases.....Information/Discussion/Board Approval

Executive Officer Briggs described the low threat and general discharge cases listed in the staff report. He asked the Board if they had questions on any of the cases. Mr. Briggs thanked all staff for their hard work on the cases. He also acknowledged the good work that staff member David LaCaro had completed on the Solvang Wastewater Treatment Plant (consent calendar item).

9. Underground Storage Tanks and MTBE Cases.....Status Reports

Executive Officer Briggs summarized the contents of the staff report. Board member Shallcross had two questions of staff, summarized as follows:

- 1) Why does AI's Union in Guadalupe show no reporting since June 2006? Staff member Chris Adair indicated that an enforcement letter had been issued by Santa Barbara County.
- 2) What is the most current information we should expect on the MTBE update list? Staff member Burton Chadwick indicated that it is not uncommon to see a three to six month lag time considering the time needed for the responsible party to get lab results, prepare the monitoring



report, send it in, and for staff to review monitoring reports and write the update for the Board many weeks before the Board meeting.

10. Enforcement Report.....Status Report

Staff did not present any information; however, Chair Young asked about sewage spills reported for City of Pacific Grove. Harvey Packard of Water Board staff supplied some additional information. Chair Young asked that staff provide more information at the next meeting regarding Pacific Grove's compliance with its Sewer System Management Plan.

11. Santa Maria Landfill, Santa Barbara County Order No. R3-2007-0045

Engineering Geologist Dean Thomas presented a discussion of important changes to the proposed order, including provisions to address comments received from concerned citizens. The presentation focused on updates in relation to (1) incremental rolling closure program in the Closed Active Area, (2) the nonhazardous hydrocarbon impacted soils program (NHIS), and (3) groundwater corrective actions. In addition, Mr. Thomas indicated that the landfill may be susceptible to a 100-year flood, according to Army Corps of Engineer's recent analysis of the condition of the Santa Maria River levee. The proposed order includes provisions for improving these programs, and evaluating the vulnerability of the landfill to a 100-year flood event.

Dr. Press asked how does staff know that the NHIS materials are not a hazardous waste, and whether there is adequate characterization to demonstrate nonhazardous conditions. Diane Kukol, Engineering Geologist and caseworker for the Guadalupe Dunes cleanup, responded that Chevron has conducted extensive analytical testing of the Guadalupe soil to demonstrate that the soil is nonhazardous according to Resource Conservation and Recovery Act (RCRA) definitions of toxicity, corrosivity, ignitability, and reactivity, and California Title 22 regulations. Furthermore, the concentrations of petroleum hydrocarbons allowed by the NHIS soil acceptance criteria are below hazardous waste levels.

Dr. Press inquired about the vulnerability of the NHIS soil in the landfill to erosion from the Santa Maria River, and potential leachate migration into the river. Staff responded that the landfill portions of the levee are relatively strong compared to other portions, and that the City of Santa Maria (City) must maintain adequate funds to maintain the landfill (including the adjacent levee) for a minimum of 30 years, or until there is no longer a threat to the environment. As for the leaching of contaminants into the river, staff indicated that the river is a losing stream and that groundwater flows away from the river.

Chairman Young asked why the Army COE is involved in the levee issues. Staff referred the question to Mr. Brad Hagemann, City of Santa Maria Utilities Department; Mr. Hagemann discussed the status of the levee certification. About six months ago the COE downgraded the protection status from 500-year flood to below 100-year flood along seventeen miles of the Santa Maria levee; however, the COE's assessment has not been finalized. COE's downgrading of the levee protection has resulted in FEMA's preliminary revised flood map showing portions of Santa Maria and the landfill within the 100-year floodplain. In response to these preliminary reports, and the fact that portions of the river's watershed are compromised by the Zaca fire, the City has been coordinating with COE in preparation for flood response, including stockpiling of rip-rap, and increasing the cross-sectional area of the river channel. The City of Santa Maria is pursuing sources of Federal and State funding to fix the levee. Identified areas in need of repair are generally located downgradient of the landfill.



Dr. Press asked what period of time is needed by Water Board staff to review and update the Order to incorporate the City's submittals of evaluating the susceptibility to 100-year flood and the revision of the NHIS management plan. Supervising Engineering Geologist John Robertson responded that actions resulting from staff's review of the submittals should be directed by the Executive Officer, rather than incorporated into the Order, to allow for the flexibility to fine-tune the programs and respond to changes in a more efficient manner. Board member Shallcross requested that the City's submittals be provided to the Water Board for review. Mr. Robertson said that it would be better to discuss the submittals in an update at the May 2008 meeting, which will allow staff time to evaluate the City's submittals and provide a summary of progress to the Water Board.

Chairman Young asked what agency is responsible for overseeing the levee repairs. Mr. Hagemann stated that the Santa Barbara County Flood Control District is responsible for the entire levee. Staff responded that the Water Board is responsible for ensuring that protective measures in the landfill regulations are followed.

12. Las Flores Landfill Development, Santa Barbara CountyStatus Report

Mr. Brad Hagemann, City of Santa Maria (City) Utilities Department, discussed the status of developing the proposed landfill site located east of US Highway 101, approximately five miles south of the Orcutt exit. The City conducted a fatal flaws study where five potential landfill sites were evaluated, resulting in selection of the proposed site located in the Cat Canyon Oilfield. The City purchased 1700 acres, with 395 acres dedicated to the proposed landfill, which will have an estimated 80-100 year capacity. The initial site investigation indicates that groundwater is approximately 550 feet deep and flows to the northeast, and that the Las Flores location is a much better site (from an environmental perspective) than the Santa Maria Landfill site. The City anticipates completion of an Environmental Impact Report for the proposed landfill by fall 2008.

(Chairman Young announced a break at 10:35 a.m. The meeting reconvened at 10:45 a.m.)

14. Municipal Storm Water Regulation and Program Management Consideration of a New Approach with Stakeholder InvolvementStatus Report

Water Board staff Dominic Roques presented information regarding the municipal storm water program and issues associated with the Region's Storm Water Management Program (SWMP) review and approval process.

(Chairman Young announced a closed session meeting and lunch break at 11:00 a.m. The meeting reconvened at 1:05 p.m. Item No. 14 will be continued after lunch.)

17. Public ForumBoard Direction

Steve Pappas, a resident of Santa Ynez Valley, requested that the Water Board demand the County of Santa Barbara stop all development activity in and around the area known as the Santa Ynez Valley Airport Landfill (Landfill) and require an Environmental Impact Report (EIR). Mr. Pappas referenced several letters documenting public support and concerns regarding soil and groundwater contamination associated with the Santa Ynez Airport Landfill. Specifically, Mr. Pappas suggested that an EIR and not a Negative Declaration should be completed to study the options to aggressively



remediate this landfill. A Negative Declaration or EIR have not been completed or certified by the County Board of Supervisors for the closure of the Landfill. Furthermore, according to Mr. Pappas, an initial study on the Airport's proposed expansion states that an EIR or Negative Declaration will not be prepared.

Supervising Engineering Geologist John Robertson addressed the Board to provide some background on the Landfill. The Landfill is small, 1.6-acres, and has impacted groundwater similar to what is observed at other unlined landfills. There was a period where the County planned to remediate the site through clean-closure, which involves removal and disposal of waste at another landfill. However, local public opinion stopped the proposed clean-closure, and as a result, the associated California Environmental Quality Act (CEQA) process was also stopped. Santa Barbara County initiated a phased remediation effort consisting of gas extraction, and installation of a final cover, which is yet to be built. Further groundwater remediation consisting of air sparging has been proposed; however, the need to implement it will depend on monitoring results; volatile organic compound concentrations have been declining as a result of landfill gas extraction. With respect to expansion of the airport, we have not received any development proposals or CEQA documents. There are examples where development over landfills has occurred so it is possible to develop over former landfills as long as the development does not compromise the containment of the landfill.

Chairman Young requested that staff answer the following current status with regard to CEQA issues:

1. What is the County going to do?
2. What is the Water Board's role in CEQA?
3. Who decides when to do an EIR?
4. It appears the community wants us to force the County to do an EIR; do we have that authority?

In response to the Board's discussion of Mr. Pappas's comments, John Robertson, stated that there would be a landfill program update during the December meeting, which would include additional information on the Santa Ynez Airport Landfill and answers to Chairman Young's questions.

(Item No. 14 continued)

**14. Municipal Storm Water Regulation and Program Management Consideration
of a New Approach with Stakeholder InvolvementStatus Report**

Staff member Dominic Roques finished his presentation and answered Board questions.

Speakers:

Tom Reeves, City of Monterey, indicated that he thought the Monterey Regional SWMP would end up as the standard SWMP that communities would have to meet. He acknowledged that those communities that did not help develop the Monterey Regional SWMP may be less inclined to implement the same BMPs not knowing how they decided on each BMP. Mr. Reeves expressed concerns about moving away from the maximum extent practicable standard and moving towards a performance based standard.

Cameron Benson, City of Santa Barbara, explained that the City submitted multiple versions of their SWMP receiving comments from Board staff on several occasions. The City responded to all comments and suggested the Board hire more staff to process the remaining Attachment 1 and 2



municipal separate storm sewer systems (MS4s). He also suggested a separate process for reviewing non-traditional MS4s.

Jill Falcone, County of San Luis Obispo, expressed concerns about a delayed process and would like to see faster SWMP approvals. Ms. Falcone suggested provisional approval of SWMPs to allow MS4s to implement basic program components while full review and approval of the SWMPs continues. Ms. Falcone was concerned that the phase II communities would be held to phase I standards.

Kim Busby, Cal Poly, was concerned that a regional permit would not alleviate program delays. Ms. Busby indicated that a new approach would not result in faster approvals and pointed out that other regions are implementing their programs. She pointed out that the statewide general municipal permit is written for traditional MS4s and doesn't always apply to non-traditional MS4s like state universities.

Patti Gwathmey, City of San Luis Obispo, expressed concerns with a regional or watershed based permit and instead recommended a countywide permit. Ms. Gwathmey pointed out that the City has a good working relationship with the other cities and the County through the San Luis Obispo County Partners for Water Quality.

Barbara Lynch, Deputy Public Works Director, City of San Luis Obispo, indicated the city would like to have their SWMP approved so they can move on with their program. Ms. Lynch does not like the regional permit one size fits all approach. Without an approved SWMP she fears they will lose support within the City to continue to fund a program.

Rob Almy, County of Santa Barbara, believes that the state does not need another general permit, and should use the one already adopted. Mr. Almy pointed out that there should be room for program development within approved SWMPs and that smaller communities should not be treated the same as larger communities.

Kira Redmond, Santa Barbara Channelkeeper, indicated that the current process is slow and disorganized and a stakeholder process would slow it down even more. She explained that the current process is not clear, staff does not understand permit requirements, and that Channelkeeper's comments have been consistent through the process. Ms. Redmond suggested prioritizing the 24 attachment 1 and 2 SWMPs first.

Katie DiSimone, City of Paso Robles, explained that the City was being held to the highest standard even though their SWMP was approved several years ago. Ms. DiSimone indicated that the staff report lacked the detail to evaluate the actual proposal.

Hillary Hauser, Heal the Ocean, indicated that a stakeholder process is important and Heal the Ocean has been working with various MS4s already. Ms. Hauser explained that a regional permit would probably not work, but that a countywide permit might work.

Board member Press acknowledged some shared responsibility among all parties for delays in SWMP approval, but asked how a stakeholder process would resolve the contested issues. Dr. Press pointed out that neither a stakeholder process nor a regional general permit would keep people from requesting hearings. He articulated three principles that could guide staffs' approach to enrolling remaining MS4s: 1) use performance based approach for MS4s to meet targets; 2) prioritize SWMP approval sequence according to water quality problems; and 3) do not let "perfect" be the enemy of "good," i.e., accept some imperfections in the SWMPs in approval stage, and rely on annual reporting and public involvement post-approval to ensure success of program.



Board member Hodgkin indicated that we are not serving the public by not processing the SWMPs fast enough. Mr. Hodgkin suggested using the resources we have available and setting goals to get all SWMPs approved.

Board member Shallcross stated that the current process is heavy and burdensome and we should cut the review time in half. Mr. Shallcross indicated that we should get the 24 traditional MS4s done and we should not worry about renewing SWMPs every five years.

Board member Jeffries indicated that the Board is as frustrated as the public.

Board member Hunter stated that we will not be able to resolve all issues through a stakeholder process. We should prioritize traditional and non-traditional MS4s. Dr. Hunter liked the idea of countywide workshops and sub-regional coordination.

Board member Bowker indicated that we do not need to make the SWMPs perfect before posting them for public review and bringing them in front of the Board.

Chairman Young stated he would like to see staff build on progress made to date. He indicated that staff should address comments to all MS4s and not wait until the latest SWMP is approved to comment on the next SWMP. Chairman Young would like to see staff set goals for getting SWMPs to the board and prioritize SWMPs based on threat to water quality. He asked staff to develop a plan to get the SWMPs approved and to bring the plan to the Board at the December meeting.

Executive Officer Roger Briggs summarized the item by saying staff would bring a staff report to the Board in December with a plan to prioritize and expedite SWMP processing, and provide additional information about storm water program options.

15. Reports by Central Coast Water Board MembersStatus Report

Board member Hunter attended a California Watersheds Forum in September that announced a new state watershed program. The program is building on the CalFed program and has moved to the Dept. of Conservation. The Dept. of Conservation is forming a new steering committee that will develop the design and goals for the new state watershed program. Workshops are to be held soon and Dr. Hunter encouraged the Board and staff to attend the watershed workshops.

Board member Hodgkin was recently elected Vice-Chair of the regional board for the Association of California Water Agencies (ACWA). He will also participate with ACWA at the state level. Mr. Hodgkin asked the Board members and staff to make him aware of any coordination efforts or issues that he could provide assistance with in his new capacity.

16. Executive Officer's Report Information/Discussion

Executive Officer Briggs reminded the Board about the upcoming WQCC meeting. Board members Hayashi, Hodgkin, and Young will attend WQCC. Board member Hunter asked about identifying non-filers for the ag program and the time frame between issuance of the NOV's and issuance of the ACLs. Staff Section Manager Harvey Packard clarified that the timing of the enforcement would be spread out and the first enforcement actions would be scheduled for the February Board meeting.

Santa Barbara County's Project Clean Water Director Rob Almy asked if the Board had a policy for selecting the order of TMDL project initiation. The Chair responded that we do not have a policy; and the Board receives regular updates on the entire TMDL program, which includes initiation of




new TMDLs. Mr. Almy opined that the Board should have a policy and it should include stakeholder involvement.

Staff Section Manager Lisa McCann pointed out the Board just expressed disapproval of a proposed extensive stakeholder process for storm water. She said the staff has included its criteria for TMDL project initiation in previous discussions with the Board. Those criteria include evaluating the individual impairment listing water quality issues (assess the impaired water bodies on the 303(d) list and focus on highest priority impairments), considering factors such as political will, stakeholder willingness, and opportunities for funding. Stakeholders have the opportunity to review our publicly available and distributed status reports, which discuss ongoing TMDL project status as well as those projects proposed for initiation (typically many months in advance of initiation). Any stakeholders may provide comments to the staff and Board at any time about any aspect of TMDLs, including the staff's proposed order of TMDL initiation. This process has worked well for the TMDL program.

Chairman Young adjourned the meeting at 4:00 p.m. The next Board meeting will be held on December 7, 2007, in San Luis Obispo.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its December 7, 2007 meeting in San Luis Obispo, California.



Jeffrey Young, Chairman

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